

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:15-cv-00223-MOC-DLH

<b>MICHAEL A. IANNUCCI</b>	)	
<b>MARGE IANNUCCI,</b>	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	ORDER
	)	
<b>CVS RX SERVICES INC., et al.,</b>	)	
	)	
	)	
Defendants.	)	

**THIS MATTER** is before the court on review of a Memorandum and Recommendation (#26) issued in this matter. In the Memorandum and Recommendation, the magistrate judge advised the parties of the right to file objections within 14 days, all in accordance with 28 U.S.C. § 636(b)(1)(c). No objections have been filed within the time allowed.

The Federal Magistrates Act of 1979, as amended, provides that “a district court shall make a *de novo* determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4<sup>th</sup> Cir. 1983). The statute does not on its face require any review at all of issues that are not the subject of an objection. Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. As no objection has been made here, the court dispenses with the *de novo* review. Nonetheless, a district judge is responsible for the final determination and outcome of the case, and accordingly the court has conducted a careful review of the magistrate judge’s recommendation.

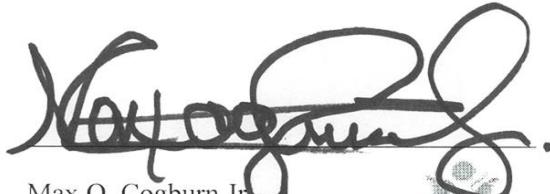
After such careful review, the court determines that the recommendation of the magistrate judge is fully consistent with and supported by current law. Further, the brief factual background

and recitation of issues is supported by the applicable pleadings. Based on such determinations, the court will fully affirm the Memorandum and Recommendation and grant relief in accordance therewith.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the Memorandum and Recommendation (#26) is **AFFIRMED**, defendant CVS Rx Services, Inc.'s Motion to Dismiss (#19) is **GRANTED**, and plaintiffs' Motion for Issuance of Summons (#23) is **DENIED**. The case is hereby **DISMISSED** without prejudice.

Signed: September 13, 2016

  
Max O. Cogburn Jr.  
United States District Judge